

FOSTER,
SWIFT,
COLLINS &
SMITH, P.C.

ATTORNEYS AT LAW

ERIC E. DOSTER
517 371 8241
Email edoster@fosterswift.com

January 17, 2005

By Federal Express Delivery

Jeff S. Jordan, Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E Street, NW
Washington DC 20463

Re: MUR 5630; Response of Request Foods, Inc.

Dear Mr. Jordan:

We are in receipt of your letter and its attachments in the above-referenced matter. Attached for your records is the Statement of Designation of Counsel authorizing the undersigned to act as counsel in this matter.

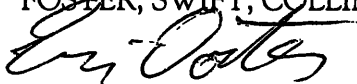
We have also reviewed the complaint (the "Complaint") filed by Mr. Mark Brewer on or about December 21, 2004. The Complaint alleges that Request Foods, Inc. purchased an advertisement in the Holland Sentinel; however, Request Foods, Inc. did not purchase the advertisement referenced in the Complaint. Attached is the credit card receipt from the Holland Sentinel, which illustrates that the \$680 payment for the advertisement was made by Mr. Jack DeWitt from his personal credit card, not from Request Foods, Inc. According to the attached e-mail from the Holland Sentinel, "The ad rep put Request Foods on the ad because no one at Request Foods identified the ad as a personal ad" - which explains how Request Foods, Inc. became involved in this matter. Accordingly, the Complaint's fundamental assumption - that the advertisement in question was paid for by Request Foods, Inc. - is false. Therefore, the Complaint must be dismissed.

Please note that Jack DeWitt, the individual who purchased the advertisement referenced in the Complaint, has already filed an independent expenditure report (FEC Form 5) with the Federal Election Commission. For your convenience, this independent expenditure report is attached.

If you have any questions, please contact me.

Sincerely,

FOSTER, SWIFT, COLLINS & SMITH, P.C.



Eric E. Doster

EED:mfp
enclosure
cc w/encls: Request Foods, Inc.



3 S Washington Square
Lansing, MI 48933-2193
Main 517 371 8100
Fax 517 371 8200

2604131073

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2005 JAN 18 A 11:16

STATEMENT OF DESIGNATION OF COUNSEL

Please use one form for each respondent

MUR 5630

NAME OF COUNSEL: ERIC DOSTER

FIRM: FOSTER SWIFT COLLINS & SMITH

ADDRESS: 313 S WASHINGTON SQUARE

LANSING MI 48933

TELEPHONE: (517) 371 8241

FAX: (517) 371 8200

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

ERIC DOSTER

Print Name

Jan 6, 05
Date

[Signature]
Signature

PRESIDENT
Title

RESPONDENT'S NAME: Request Foods, Inc.

ADDRESS: REQUEST FOODS INC

PO BOX 2577

HOLLAND MI 49422

TELEPHONE: HOME [REDACTED]

BUSINESS (616) 786-0900

26044131874

Attn: Julie Abel

Jack DeWitt's
Credit card -
personal credit
card

HOLLAND SENTINEL
54 W EIGHTH STREET
HOLLAND, MI 49423

TERMINAL I.D.:
MERCHANT #:

000177701
6732927029

VISA

SALE

0890

BATCH# 000136

EXP. 01/07

DATE: OCT 15, 04

INVOICE# 096238

SR: 030 AM: MN

TIME: 09:07

CC: P

AUTH NO: 746959

TOTAL

\$680.00

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

Request Foods
142538

MERCHANT COPY

26044131875

From: "Smith, Christina"
To:
Date: 1/11/05 2:01PM
Subject: Request Foods

Eric,

In regards to the two questions you had referencing the Request Foods ad placed in October:

1.) Why did the sticky note say Request Foods?

Because the ad was a political ad, the sales manager needed the ad rep to identify the client placing the ad. The ad rep put Request Foods on the ad because no one at Request Foods identified the ad as a personal ad.

2.) Why did we bill Request Foods and not Mr. DeWitt?

Because the ad copy had the name Request Foods on it, we billed the Request Foods account and posted the credit card payment to that account. Again, we were not aware that this was a personal ad.

I hope this information will help and if you have any questions in the future please contact me at 616-546-4239.

Sincerely,

Christina Smith

Business Manager

Holland Sentinel and Flashes Publishers

616-546-4239

26044131876

FEC FORM 5

REPORT OF INDEPENDENT EXPENDITURES MADE AND CONTRIBUTIONS RECEIVED To Be Used by Persons (Other than Political Committees) including Qualified Nonprofit Corporations

1. (a) Name of Individual, Organization or Corporation JACK DEWITT		3. FEC Identification Number C N/A
(b) Address (number and street) <input type="checkbox"/> check if different than previously reported 205 NORWOOD DRIVE		
(c) City, State and ZIP Code HOLLAND MI 49424		
2. Corporate filers only Is the filer a qualified nonprofit corporation? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Individual filers only Name of Employer REQUEST FOODS INC		Occupation PRESIDENT

4. TYPE OF REPORT (check appropriate boxes):

- (a) ☐ April 15 Quarterly Report ☐ 24-Hour Notice ☐ 48-Hour Notice
- ☐ July 15 Quarterly Report ☐ 12-Day Report preceding the election. ▼
- ☐ October 15 Quarterly Report Type of Election Date of Election State
- ☐ January 31 Year-End Report
- ☒ 30-Day Report following the General Election. ▼
- Date of Election State
- b) Is this Report an amendment? Yes ☐ No ☒
- November 2, 2004

5. COVERING PERIOD: FROM

10 / 28 / 2004

THROUGH

10 / 28 / 2004

6. TOTAL CONTRIBUTIONS

7. TOTAL INDEPENDENT EXPENDITURES

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or any political party committee or its agent. In addition, (if the independent expenditures reported herein were made by a corporation) I certify that the corporation is a qualified nonprofit corporation under the Commission's regulations.

TYPE OR PRINT NAME OF PERSON COMPLETING FORM

SIGNATURE

DATE

JACK DEWITT

[Signature]

1/14/05

NOTE: Submission of false, erroneous or incomplete information may subject the person signing this report to the penalties of 2 U.S.C. §437g

For further information, contact:

Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463 Toll Free 800-424-9530, Local 202-694-1100

26044131877

PAGE 1 OF 1
FOR LINE 7 OF FORM 5

JACK DEWITT

Full Name (Last, First, Middle Initial) of Payee HOLLAND SENTINEL		Date 10 / 28 / 2004
Mailing Address 54 W 8TH STREET		Amount 680.00
City HOLLAND	State MI	
Zip Code 49423		
Purpose of Expenditure ADVERTISEMENT	Category/Type 	Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input checked="" type="checkbox"/> President District:
Name of Federal Candidate Supported or Opposed by Expenditure. GEORGE W BUSH		Check One. <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Calendar Year-To-Date Per Election for Office Sought 680.00	Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) 	

Full Name (Last, First, Middle Initial) of Payee		Date	
Mailing Address		<input type="text"/> / <input type="text"/> / <input type="text"/>	
City	State	Zip Code	Amount
			<input type="text"/>
Purpose of Expenditure	Category/ Type	Office Sought:	<input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure:		State:	District:
		Check One:	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Calendar Year-To-Date Per Election for Office Sought	<input type="text"/>	Disbursement For:	<input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) <input type="text"/>

Full Name (Last, First, Middle Initial) of Payee		Date	
Mailing Address		<input type="text"/> / <input type="text"/> / <input type="text"/>	
City	State	Zip Code	Amount
			<input type="text"/>
Purpose of Expenditure	Category/ Type	Office Sought:	<input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President
Name of Federal Candidate Supported or Opposed by Expenditure:		State: _____	<input type="checkbox"/> Support <input type="checkbox"/> Oppose
Calendar Year-To-Date Per Election for Office Sought		District: _____ Disbursement For: <input type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) _____	

(a) SUBTOTAL of Itemized Independent Expenditures	▶	1,000.00
(b) SUBTOTAL of Unitemized Independent Expenditures	▶	1,000.00
(c) TOTAL Independent Expenditures (carry total from last page forward to Line 7)	▶	2,000.00

00
 10
 20
 30
 40
 50
 60
 70
 80
 90